

1 BRIAN R. CHAVEZ-OCHOA
2 CALIFORNIA STATE BAR #190289
3 CHAVEZ-OCHOA LAW OFFICES
4 4 JEAN STREET, SUITE 4
VALLEY SPRINGS, CALIFORNIA 95252
(209) 772-3013
FAX (209) 772-3090

5 Attorneys for Plaintiffs

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8 UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
9 EASTERN DIVISION

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11 REV. PATRICK J. MAHONEY, CHRISTIAN } Case No.: 04-11008 WGY
12 DEFENSE COILIATION, OPERATION }
13 RESCUE BOSTON, and OPERATION } PETITION FOR PRELIMINARY
14 RESCUE WEST, } INJUNCTION

15 Plaintiffs,

16 vs.

17 CITY OF BOSTON and MAYOR THOMAS
18 M. MENINO, in his Official Capacity as
19 Mayor of the City of Boston,

21 Defendants.

23 Plaintiffs make this Petition for a Preliminary Injunction pursuant to Fed.R.Civ.P. 65, and
24 is based on the facts set forth in the Declaration of Patrick J. Mahoney included herewith, and
25 any and all additional evidence that may be presented at the preliminary hearing. In addition,
26 plaintiffs file simultaneously herewith their memorandum of law in support of the injunction.
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28 PETITION - 1

CHAVEZ-OCHOA LAW OFFICES
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(209) 772-3013
FAX (209) 772-3090

1 Plaintiffs hereby apply for entry of a preliminary injunction ordering the
2 defendants, their agents, servants, employees, and attorneys, and those acting in active concert
3 with them to refrain from enforcing and/or utilizing the newly enacted permitting process being
4 utilized for the week of July 24 through August 1, 2004 during the Democratic National
5 Convention pending this case being heard by this Court. In the interim, it is respectfully
6 requested that the Court order these defendants to promulgate and utilize the permitting process
7 used by the National Parks Service in Washington DC relevant to the Presidential Inauguration;
8 permits are deemed granted after 24 hours.
9

10 In support of this application, plaintiffs stress that (1) the issuance of a Preliminary
11 Injunction is necessary to prevent irreparable harm to plaintiffs and others. Unless this Court
12 enjoins the defendants, plaintiffs' constitutional rights will continue to be violated in that the
13 newly enacted permitting process is an unconstitutional prior restraint on these plaintiffs First
14 Amendment rights, a violation of the First and Fourteenth Amendments to the United States
15 Constitution. Enforcement of the newly enacted permitting process will result in irreparable
16 injury and deprivation to the plaintiffs of their First and Fourteenth Amendments rights
17 guaranteed by the United States Constitution.
18

19 WHEREFORE, plaintiffs respectfully request that this Court enter a Preliminary
20 Injunction ordering the defendants from the facts set forth above, most specifically:
21

22 Order the defendants, their agents, servants, employees, and attorneys, and those acting in
23 active concert with them to refrain from enforcing and/or utilizing the newly enacted permitting
24 process being utilized for the week of July 24 through August 1, 2004 during the Democratic
25 National Convention pending this case being heard by this Court. In the interim, it is
26 respectfully requested that the Court order these defendants to promulgate and utilize the
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PETITION - 2

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1 permitting process used by the National Parks Service in Washington DC relevant to the
2 Presidential Inauguration; permits are deemed granted after 24 hours.
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4 Dated: May 17, 2004.

5 Respectfully submitted,

6 CHAVEZ-OCHOA LAW OFFICES

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10 Brian R. Chavez-Ochoa
11 California State Bar #190289
12 Lead Counsel for the Plaintiffs
13 4 Jean Street, Suite 4
14 Valley Springs, California 95252
15 (209) 772-3013
16 Fax (209) 772-3090
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